

REMARKS

The Commissioner is hereby authorized to charge any additional claims fee due in connection with this Amendment, based upon small entity status, to Deposit Account No. 502045.

Applicants respectfully request favorable reconsideration of the subject application, particularly in view of the above amendment and the following remarks.

Applicants have amended Claim 1 to require that the rotating valve employed in the oven assembly of the invention claimed by Applicants has at least two fluid openings that are revolvable around the longitudinal axis of rotation of the rotating valve. Applicants have also amended Claims 9, 13 and 18 to require that the rotating valve employed in the oven assembly and method of Applicants' claimed invention is a generally cylindrical shaped rotating valve. Support for this amendment is set forth, for example, in Fig. 5 of the application as originally filed as well as at Page 13, lines 7-20 of the Specification of the application as originally filed. Accordingly, Applicants respectfully urge that this Amendment incorporates no new subject matter into the application and is fully supported by the application as originally filed.

In addition to the amendment to Claims 1, 9, 13 and 18, Applicants have added new claims, Claims 23 and 24. Claim 23 sets forth the limitation of openings

in the opposed ends of the generally shaped cylindrical shaped wall of the rotating valve together with the fluid openings being formed in the side wall. Claim 24 sets forth the further limitation that the fluid openings are disposed on opposite sides of the generally cylindrical shaped side wall. Support for these additional claims can be found in Fig. 5 of the application as originally filed as well as at Page 13, lines 7-20 of the Specification of the application as originally filed. Accordingly, Applicants respectfully urge that this addition of new Claims 23 and 24 incorporates no new subject matter into the application and is fully supported by the application as originally filed.

The invention claimed by Applicants is an oven assembly for cooking food products comprising a first pair of oppositely disposed first and second wall structures defining a cooking chamber. Each of the first and second wall structures forms a plurality of spaced apart openings for the passage of air therethrough. The assembly further comprises a rotating valve *having at least two fluid openings revolvable around a longitudinal axis of rotation of said rotating valve*, which is in *both heated air receiving communication and return air communication with a heat source*. The rotating valve may also be in heated air distributing communication with the first wall structure and in return air communication with the second wall structure at a selected point in time such that heated air is passed through the plurality of spaced

apart openings in the first wall structure into the cooking chamber and return air from the cooking chamber is passed through the plurality of spaced apart openings in the oppositely disposed second wall structure and then to the rotating valve for return to the heat source. The generally cylindrically shaped rotating valve is capable of being rotated to be in heated air distributing communication with the second wall structure and in return air communication with the first wall structure. *The crux of this invention is the use of a rotating valve having fluid openings that are revolvable around the longitudinal axis of rotation of the rotating valve, which rotating valve is in simultaneous communication with both the heated air and the return air.* Applicants respectfully urge that a cooking assembly as claimed by Applicants is neither taught nor suggested by the prior art relied upon by the Examiner for rejection of the subject application.

Claims 1 and 3-22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Rhoads et al., U.S. Patent 3,861,378 (hereinafter the “Rhoads et al. patent”). This rejection is respectfully traversed. The Rhoads et al. patent teaches an oven having a removable bottom portion and an upper plenum portion containing a heater element and a fan which forces air across the heater elements down through one of the sides of the oven through a tapered duct and outwardly through a diffuser panel into the oven. Part of the air re-enters the plenum portion in the center and part

of it passes through a second diffuser panel back up a second tapered duct and back into the plenum portion. The oven further comprises a pair of flaps 65 and 67 that are simultaneously movable to new positions by which the direction of air flow in the oven can be reversed to provide more uniform heating of the food product (Abstract, Col. 3, lines 28-40, Fig. 2). Fig. 3 of the Rhoads et al. patent shows the mechanism by which the flaps 65 and 67 are alternately opened and closed. As shown therein, the motor 69 drives a cam 71 which holds the lever arm 73 in the position shown during half of its revolution and forces the flap 65 down while simultaneously raising flap 67 during the second half of its revolution (Col. 3, lines 41-51). As can better be seen in Fig. 2 of the Rhoads et al. patent, when flap 65 is in the "down position" and flap 67 is in the "up position", the flow of air is from left to right in the figure. When flap 65 is in the "up position" and flap 67 is in the "down position", the flow of air is from right to left. The Examiner has argued that the valve of the Rhoads et al. patent is a rotating valve on the basis that lever arm 73 rotates around an axis and alternately raises and lowers flaps 65 and 67. It is clear that the fluid openings of the Rhoads et al. patent, that is the openings that are opened and closed by action of the flaps are stationary with respect to the axis of lever arm 73. Thus, Applicants respectfully urge that *the valve assembly of the Rhoads et al. patent is not a rotating valve having fluid openings that revolve around the longitudinal axis of rotation of the rotating valve as*

required by Applicants' claimed invention. Accordingly, given the fact that the Rhoads et al. patent does not teach or suggest an oven with a rotating valve having fluid openings that revolve around a longitudinal axis of rotation of the rotating valve as claimed by Applicants, Applicants respectfully urge that the Rhoads et al. patent does not anticipate the invention claimed by Applicants in the manner required by 35 U.S.C. 102(b).

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the Rhoads et al. patent as applied to Claim 1 as discussed herein above, and further in view of König, U.S., Patent 4,779,604 (hereinafter the "König patent"). This rejection is respectfully traversed. Applicants' arguments with respect to the Rhoads et al. patent are equally applicable to this patent and, thus, will not be repeated other than to reiterate that the Rhoads et al. patent neither teaches nor suggests an oven as claimed by Applicants comprising a rotating valve having fluid openings that are revolvable around the longitudinal axis of the rotating valve. The König patent is relied upon by the Examiner for its teachings regarding a baking device comprising a burner, the use of which is not taught by the Rhoads et al. patent. The Examiner argues that because burners are commonly used heating sources in baking devices as taught by the König patent, it would have been obvious to one of ordinary skill in the art to apply the teachings of the König patent regarding the use of such burners to the

oven of the Rhoads et al. patent to arrive at the invention claimed by Applicants. Applicants respectfully disagree. Rather, Applicants respectfully urge that, because the Rhoads et al. patent neither teaches nor suggests an oven comprising a rotating valve having fluid openings revolvable around the longitudinal axis of rotation of the rotating valve as required by the invention claimed by Applicants, one skilled in the art who combines the teachings of the König patent with the teachings of the Rhoads et al. patent would not arrive at the invention claimed by Applicants. Accordingly, Applicants respectfully urge that the Rhoads et al. patent and the König patent, alone or in combination, do not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. 103(a).

Conclusion

Applicants sincerely believe that this patent application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,


Mark E. Fejer
Regis. No. 34,817

Gas Technology Institute
1700 South Mount Prospect Road
Des Plaines, Illinois 60018
TEL (847) 768-0832; FAX (847) 768-0802